



**MINUTES
PLANNING AND ZONING COMMISSION
CITY OF MISSOURI CITY, TEXAS
January 8, 2020**

1. CALL TO ORDER

The Notice of the Meeting and Agenda having been duly posted in accordance with the legal requirements and a quorum being present, the meeting was called to order by Chair Brown-Marshall, at 7:00 PM.

2. ROLL CALL

Commissioners Present:

Sonya Brown-Marshall
Tim Haney
John O'Malley
James R. Bailey
Gloria Lucas
Courtney Johnson Rose
James G. Norcom III

Commissioners Absent:

Hugh Brightwell
Monica L. Rasmus

Councilmembers Present: None

Staff Present:

Otis T. Spriggs, Director of Development Services
Jennifer Gomez, Planning Manager
E. Joyce Iyamu, City Attorney
James Santangelo, Assistant City Attorney
Jamilah Way, First Assistant City Attorney
Thomas White, Planner II
Gretchen Pyle, Interim Planning Specialist
Jeremy Davis, Assistant City Engineer
Egima Edwards, Planning Technician
Glen Martel, Assistant City Manager

Others Present: Joe Workman; Vice Chair of Zoning Board of Adjustment and Appeals.

3. READING OF THE MINUTES

- A. Consider approval of the minutes of the December 11, 2019 Planning and Zoning Commission Meeting.

Motion: Approval of the December 11, 2019 minutes.

Made By: Commissioner O'Malley

Second: Commissioner Haney

AYES: Commissioner Haney, Commissioner O'Malley,
Commissioner Bailey, Commissioner Norcom,
Commissioner Johnson Rose, Commissioner Lucas

NAYES: None

ABSTENTIONS: Commissioner Brown-Marshall

The motion passed.

4. REPORTS

A. COMMISSION REPORTS

- (1) Chairperson of the Planning and Zoning Commission
None
- (2) Planning and Zoning Commissioners
None.

B. STAFF REPORTS

- (1) Development Services
 - a. Director – Otis T. Spriggs
Extended an opportunity to the Planning and Zoning Commission to attend the National Planning Conference, to be held in Houston, in April 2020. A packet was provided to the Commission of conference courses and workshops.
- (2) Engineering
 - a. Assistant City Engineer – Jeremy Davis
None

5. PUBLIC COMMENT

None

6. PLATS

A. CONSENT AGENDA

- (1) Consider approval of a final plat for Waffle House of Missouri City

Motion: To approve the Consent Agenda.

Made By: Commissioner Haney
Second: Commissioner Lucas

AYES: Commissioner Haney, Commissioner O'Malley,
Commissioner Bailey, Commissioner Norcom,
Commissioner Johnson Rose, Commissioner Lucas

NAYES: None

ABSTENTIONS: None

The motion passed

7. ZONING MAP AMENDMENTS

None

8. ZONING TEXT AMENDMENTS

A. ZONING BOARD OF ADJUSTMENT

- (1) Public hearing to receive comments for or against possible amendments to Section 18, Board of Adjustment, of Appendix A, Zoning of the City Code of the City of Missouri City, Texas.

James Santangelo, Assistant City Attorney, presented the item. Mr. Santangelo informed last month the Commission was presented the context of House Bill 2497, which passed last year during the 86th Legislative Session. It amends some of the permitted local regulations of how the Zoning Board of Adjustment and Appeals is conducted in Missouri City. Presented to the Commission was a draft of changes the bill requires, amending Chapter 18 of the Zoning Ordinance, would bring the regulations into compliance with the new law.

Mr. Santangelo informed that the new law differentiates matters related to a specific application, address or a project and states individuals who can appeal a decision generally are any persons aggrieved by a decision. Any officer, department, board, or bureau of the city that might be affected by such decision can appeal. The new law states decisions before Zoning Board of Adjustment that do relate to a specific application, address or project, that appeal needs to be brought by the person who filed the application that is subject of the decision, owner / representative of owner of the property subject of the decision, person aggrieved by the decision who resides within a 200 feet of the subject property, or any officer, department, board, bureau of the city affected by the decision.

Mr. Santangelo informed that other changes such as scheduling discretion is taken away from the Zoning Board of Adjustments and Appeals. A hearing now needs to be taken not later than the 20th day after the date of the decision the appeal is made. Decision of the board needs to be made at the next meeting that notice can be provided following such hearing. The hearing needs to be held; within 60 days after the filing of the appeal and a decision needs to be made and rendered in an open meeting by the board.

Commissioner Johnson Rose asked if with the 20 days will cause the Commission to have special meetings.

Mr. Santangelo stated currently the Zoning Board meets on an "as needed" basis. When an appeal is filed based on a decision by the City, public notice would have to be placed within 20 days.

Chair Brown-Marshall asked, since the new law was effective September 2019, if there had been instances where the changes needed to be in place.

Mr. Santangelo stated that to his knowledge, the Zoning Board has not met since the new law went into effect.

Joe Workman, Vice Chair / Zoning Board of Adjustment and Appeals, asked if the Zoning Board's decision would be forwarded to City Council to be ratified.

Jamilah Way, First Assistant City Attorney, stated the rules are forwarded to City Council.

Vice Chair Haney stated that only the changes being made to the ordinance would go before City Council.

Mr. Santangelo stated that the new law mentions any rules adopted by the board regarding its governance need to be approved by City Council. However, it was not built into the draft that will be proposed to the board.

Motion: To close the public hearing.

Made By: Commissioner Haney

Second: Commissioner Johnson Rose

AYES: Commissioner Brown-Marshall, Commissioner Haney, Commissioner O'Malley, Commissioner Bailey, Commissioner Norcom, Commissioner Johnson Rose, Commissioner Lucas

NAYES: None

ABSTENTIONS: None

The motion passed

(2) Consider approving a preliminary report on item 8.A.(1).

Motion: To approve preliminary report and call a 2nd public hearing

Made By: Commissioner Haney

Second: Commissioner Bailey

AYES: Commissioner Brown-Marshall, Commissioner Haney, Commissioner O'Malley, Commissioner Bailey, Commissioner Norcom, Commissioner Johnson Rose, Commissioner Lucas

NAYES: None

ABSTENTIONS: None

The motion passed

B. UTILITY EQUIPMENT

- (1) Discuss an amendment to Subsection 9.6.B.3.e. of Appendix A, Zoning of the City Code of the City of Missouri City, Texas, regarding the outside storage of major recreational or utility equipment.

Jamilah Way, First Assistant City Attorney, presented the item. Ms. Way informed that a previous mistake was made in Subsection 9.6.B of the Zoning Ordinance. Section 9.6.B.3.E provides that *"Except in multifamily development, outside storage of a major recreational or utility equipment shall be permitted if...parked on a hard surface as provided in [sub]section 12.2.I"*

However, [sub]section 12.2.I provides regulations for maneuvering space for required parking not to be located within certain public rights-of-way. Instead the reference should be to [sub]section 12.2.J which provides that *"Drives and parking spaces must be hard-surfaced and dust-free..."*

Ms. Way informed that this is a clean-up to the regulation that was found during a prosecution the City was conducting. The proposed amendment will be presented next as a preliminary report. A final report would follow prior to sending it to City Council.

9. OTHER MATTERS WITHIN THE JURISDICTION OF THE COMMISSION OR THE CAPITAL IMPROVEMENTS ADVISORY COMMITTEE.

A. CHAPTER 82, SUBDIVISION ORDINANCE PLANS AND PLATS

- (1) Discuss amendments to Chapter 82, Subdivision, of the City Code of the City of Missouri City, Texas, regarding plans and plats.

Jennifer Gomez, Planning Manager, presented the item. Ms. Gomez informed effective September 1, 2019, new laws have been implemented regarding land development applications. The law changed the existing language to provide a definition for a "plan" and apply "plans" to the new procedures, expanded what is considered a "plat" and provides for a specified approval process with a time clock of 30 days. The City had previously acted on plat applications within a 30-day period however plans were not placed on this same schedule. The law also adds a second component to applications approved with conditions or disapproved on the initial action, by requiring the City to act within 15 days on a written response to the previous action.

Ms. Gomez informed that some modifications to existing regulations had to be made to provide for compliance. To-date, the City Council has passed three emergency ordinances as staff has worked diligently to understand the impact the law on existing processes.

The new law requires that the City, in approving an application with conditions or disapproving, such actions cannot be arbitrary and have to be requirements as adopted by the city. Ms. Gomez informed that as part of the changes to-date, City Council has adopted the Platting Manual by ordinance. The Platting Manual provides requirements for the form and content of plats.

Ms. Gomez informed that proposed amendments to the subdivision ordinance to be presented to the City Council at their upcoming regular meeting would provide a definition for plats and plans. The Planning and Zoning Commission is the designated authority for Missouri City to act on a plat. Plans are generally approved at an administrative level.

Chair Brown-Marshall inquired about whether an applicant could ever get two [30] day periods if they broke up their plan application submittal into multiple components.

Ms. Gomez stated that ideally a complete project is the best way from the regulatory side to view how a project will be developed. Conceivably in many cases it does not always function that way. In that case, only the civil plans would be tied to the new law. The shell building plans would be based on the internal processes.

Ms. Gomez highlighted that parkland dedication proposals would now be included in the definition for a plan. The amendment would provide time frames and specific actions for the Parks Board and Commission.

Ms. Gomez emphasized that the amendment being proposed defines a plan to exclude zoning site plans so that there is no confusion.

The amendment would formally adopt the establishment of submittal packets, submittal schedules, checklists, and applications. Staff has used this tool previously for plats. The submittal packet is published on the City's website and available through the department. It is published every year and includes submittal schedule, checklist and information about the process.

Ms. Gomez informed that once an application is made, the new law allows an opportunity for the applicant to stop / pause the 30-day clock. The parameters staff provides is that they have to request this pause as an extension. The request would need to be received not less than 10 days before the meeting.

Ms. Gomez informed on minor modifications that could be made to an application after it has been filed but before it has been acted on. Major revisions would be disapproved.

Commissioner O'Malley asked if an automatic second meeting would be required if and application is approved with conditions.

Ms. Gomez indicated that would be the case.

E. Joyce Iyamu, City Attorney clarified that the requests for extensions are not limited in the proposed ordinance. If that is a desire of the Commission or staff, Legal can be informed and will include prior to presenting the ordinance to Council.

Commissioner Johnson Rose inquired about the use of project software to help organize and guide the applicants along these schedules.

Otis Spriggs, Director of Development Services, provided that the city is currently using Energov.

Commissioner Johnson Rose asked whether the system has the capability to provide reminders to staff and the applicant.

Mr. Spriggs stated that the system has the ability to provide notices and letters and that applicants could see the reviews and statuses online.

Chair Brown-Marshall asked what would be the consequence if a deadline was missed.

Ms. Gomez stated that at the applicant's request, an application could be approved.

- (2) Consider approving a final report to City Council on item 9.A.(1)

Motion: The Planning and Zoning Commission forwards a positive recommendation to Council.

Made By: Commissioner Norcom III
Second: Commissioner Johnson Rose

AYES: Commissioner Brown-Marshall, Commissioner Haney, Commissioner O'Malley, Commissioner Bailey, Commissioner Norcom III, Commissioner Johnson Rose, Commissioner Lucas

NAYES: None

ABSTENTIONS: None

The motion passed

10. CLOSED EXECUTIVE SESSION

The Planning and Zoning Commission may go into Executive Session regarding any item posted on the Agenda as authorized by Chapter 551 of the Texas Government Code.

11. RECONVENE

Reconvene into Regular Session and Consider Action, if any, on items discussed in executive session.

12. ADJOURN

Motion: To adjourn

Made By: Commissioner Johnson Rose
Second: Commissioner Norcom III

AYES: Commissioner Brown-Marshall, Commissioner Haney, Commissioner O'Malley, Commissioner Bailey, Commissioner Norcom III, Commissioner Johnson Rose, Commissioner Lucas

NAYES: None

ABSTENTIONS: None

The motion passed



Egima Edwards
Planning Technician

